

April 2, 1993

NATURAL RESOURCES — C.S.S.B. 556, C.S.S.B. 576, C.S.S.B. 962, C.S.S.B. 964, C.S.S.B. 1018, C.S.S.B. 1073, C.S.S.B. 179

April 5, 1993

STATE AFFAIRS — C.S.S.B. 1, C.S.S.B. 549

FORTY-FOURTH DAY

(Tuesday, April 6, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Zaffirini.

Absent-excused: Whitmire.

A quorum was announced present.

The Reverend Todd Ousley, Assistant Rector, Episcopal Church of the Good Shepherd, Austin, offered the invocation as follows:

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth: We beseech You so to guide and bless our Senators in the Texas Legislature, that they may enact such laws as shall please You, to the glory of Your name and the welfare of all Texans; through Jesus Christ our Lord. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Harris of Dallas, Senator Whitmire was granted leave of absence for today on account of important business.

CO-AUTHORS OF SENATE BILL 1

On motion of Senator Zaffirini and by unanimous consent, Senators West and Shapiro will be shown as Co-authors of S.B. 1.

CO-AUTHOR OF SENATE BILL 23

On motion of Senator Moncrief and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 23.

CO-AUTHOR OF SENATE BILL 233

On motion of Senator Truan and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 233.

MESSAGE FROM THE HOUSE

House Chamber
April 6, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 107, Granting the Silver-Haired Legislature permission to use the auditorium of the Capitol Extension from September 13-16, 1994.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Sibley was recognized and introduced his uncle and aunt, Frank and Arvy Muirhead, along with senior adult minister Eddie Ballard and 15 other senior adults from the Farley Street Baptist Church of Waxahachie.

The Senate welcomed these guests.

CAPITOL PHYSICIAN

Senator Nelson was recognized and presented Dr. Robert Matthews of Eastland as the "Doctor for the Day."

The Senate welcomed Dr. Matthews and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

GUEST PRESENTED

Senator Montford was recognized and introduced to the Senate G. W. Bailey, star of the movie "Police Academy." Senator Montford also announced that Mr. Bailey, along with Barry Corbin, star of the television show "Northern Exposure," will be special guests and masters of ceremonies of his "Governor for a Day" celebration.

The Senate welcomed its guest.

(Senator Truan in Chair)

BILLS AND RESOLUTION SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

H.C.R.	6	S.B.	135
H.B.	698	S.B.	380
H.B.	699	S.B.	468
S.B.	22		

(President in Chair)

PERMISSION TO INTRODUCE BILLS

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1341

S.B. 1342

S.B. 1343

S.B. 1344

S.B. 1345

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.C.R. 70 by Brown Administration
Granting permission to Thomas Laurence Stanley to sue the State of Texas and the Railroad Commission of Texas.

S.B. 1341 by Harris of Tarrant Education
Relating to the duties of a school district superintendent.

S.B. 1342 by Harris of Tarrant Education
Relating to training and employment of school board members.

S.B. 1343 by Harris of Tarrant Education
Relating to the rules for accreditation of school districts.

S.B. 1344 by Harris of Tarrant Education
Relating to the approval of teacher and staff appointments.

S.B. 1345 by Truan Natural Resources
Relating to the management of state-owned marl, sand, gravel, shell, mudshell, and other substrate material; providing penalties.

HOUSE BILL AND RESOLUTION ON FIRST READING

The following bill and resolution received from the House were read first time and referred to the committees indicated:

H.C.R. 107 to Committee on Administration.

H.B. 1335 to Committee on Economic Development.

SENATE BILL 384 WITH HOUSE AMENDMENTS

Senator Turner called **S.B. 384** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend Article 3 of **S.B. 384** by adding the following sections and renumbering the existing sections.

SECTION 3.01. Section 72.101, Property Code, is amended by amending Subsection (b) and deleting Subsections (c), (d), (e), (f), and (g).

(b) The three year period leading to a presumption of abandonment of stock or another intangible ownership interest in a business association, the existence of which is evidenced by records available to the association, commences on the first date that either a sum payable as a result of the ownership interest is unclaimed by the owner, or a communication to the owner is returned undelivered by the United States Postal Service.

(1) The running of the three year period of abandonment ceases immediately upon the exercise of an act of ownership interest or sum payable or a communication with the association as evidenced by a memorandum or other record on file with the association or its agents.

(2) At the time an ownership is presumed abandoned under this section, any sum then held for interest or owing to the owner as a result of the interest, and not previously presumed abandoned, is presumed abandoned.

(3) Any stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions or other sums payable as a result of the ownership interest is subject to the presumption of abandonment as provided by this section.

SECTION 3.02. Section 73.003, Property Code, is amended by amending Subsection (b) and adding Subsection (d).

(b) An account is inactive if for more than one year there has not been a debit or credit to the account because of an act by the depositor or an agent of the depositor, other than the depository; and the depositor has not communicated with the depository. A safe deposit box is inactive if the rental on the box is delinquent for more than one year.

(d) For purposes of presumption of abandonment under Section 73.101, the 5-year period of inactivity for accounts begins on the date of the last transaction or correspondence by the depositor. The 5-year period of inactivity of safe deposit boxes begins on the date the rental was due but not paid.

SECTION 3.04. Section 74.401(a), Property Code, is amended to read as follows:

(a) Except as provided by Subsection (c), the State Treasurer shall sell at public sale all personal property, other than money and marketable securities, delivered to the State Treasurer in accordance with Section 74.301. The State Treasurer shall conduct the sale in the city in this state that the State Treasurer determines affords the most favorable market for the particular property.

SECTION 3.06. Section 74.402, Property Code, is amended to read as follows:

Before the 21st day preceding the day on which a public sale [~~public or private,~~] is held under Section 74.401, the State Treasurer shall publish notice of the sale in a newspaper of general circulation in the county where the sale is to be held.

SECTION 3.07. Section 74.503, Property Code, is amended to read as follows:

The State Treasurer [~~and the attorney general or their authorized agents~~

~~jointly~~] shall consider the validity of each claim filed under this subchapter.

SECTION 3.08. Section 74.504, Property Code, is amended to read as follows:

(a) The State Treasurer ~~[and the attorney general]~~ may hold a hearing and receive evidence concerning a claim filed under this subchapter.

(b) If the State Treasurer ~~[and the attorney general]~~ considers that a hearing is necessary to determine the validity of a claim, ~~[both]~~ the State Treasurer ~~[and the attorney general]~~ shall sign the statement of the findings and the decision on the claim. The statement shall report the substance of the evidence heard and the reasons for the decision. The statement is a public record.

(c) If the State Treasurer ~~[and the attorney general]~~ determines that a claim is valid, ~~the State Treasurer [they]~~ shall approve and sign the claim.

SECTION 3.10. Section 74.507, Property Code, is amended to read as follows:

A person who informs a potential claimant that the claimant may be entitled to claim property that is reportable to the State Treasurer under this chapter, that has been reported to the State Treasurer, or that is in the possession of the State Treasurer, ~~[or a person who files a claim under this subchapter for such property on behalf of a claimant,]~~ may not contract for or receive from the claimant for services an amount that exceeds 10 percent of the value of the property recovered. If the property involved is mineral proceeds, the amount for services may not include a portion of the underlying minerals or any production payment, overriding royalty, or similar payment.

SECTION 3.13. Section 74.702(b), Property Code, is amended to read as follows:

(b) The State Treasurer, the attorney general, or an agent of either may not make public any information obtained by an examination made under this section and may not disclose that information except in the course of a judicial proceeding, authorized by this chapter, in which the state is a party; or pursuant to an agreement with another state allowing joint audits or the exchange of information subject to this Section.

SECTION 3.14. Section 74.602(d), Property Code, is repealed.

Amendment No. 2

Amend S.B. 384 as follows:

In Section 1.06, amending Section 771.072(e), Health and Safety Code (page 5, line 14, House Committee Report), strike "is appropriated to the commission."

Amendment No. 1 on Third Reading

Amend S.B. 384 on third reading by amending the Martin amendment adopted on second reading to read as follows:

In Section 1.06, amending Section 771.072(e), Health and Safety Code (page 5, line 14, House Committee Report), strike "is appropriated" and substitute "shall be appropriated".

The amendments were read.

On motion of Senator Turner and by unanimous consent, the House amendments to S.B. 384 were withdrawn.

SENATE BILL 81 WITH HOUSE AMENDMENTS

Senator Barrientos called S.B. 81 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend S.B. 81 by substituting in lieu thereof the following:

**A BILL TO BE ENTITLED
AN ACT**

relating to contributions to and benefits provided by certain statewide retirement systems; providing for appropriation reductions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 814, Government Code, is amended by adding Section 814.1051 to read as follows:

Sec. 814.1051. RETIREMENT INCENTIVE FOR EMPLOYEE CLASS.

(a) Instead of the standard service retirement annuity payable under Section 814.105, a member who retires under this section is entitled to a standard service retirement annuity for service credited in the employee class of membership in an amount computed as the member's average monthly compensation for service in that class for the 36 highest months of compensation multiplied by 2.25 percent for each year of service credit in that class.

(b) A member eligible to retire under this section is one who:

(1) meets minimum age and service requirements under Section 814.104;

(2) applies for service retirement;

(3) holds a position included in the employee class of membership on the date the application is filed; and

(4) designates an effective date of retirement that is after August 31, 1993, but before September 1, 1995, and is the later of September 30, 1993, or the earliest date that the member's retirement may become effective.

(c) The minimum and maximum amounts of a standard service retirement annuity under Section 814.105(b) apply to an annuity computed under this section. Instead of the standard service retirement annuity payable under this section, a member who retires under this section may elect to receive an optional service retirement annuity provided under Section 814.108, actuarially reduced from the annuity computed under this section.

(d) An application for service retirement under this section by a member eligible to retire under this section becomes irrevocable on the designated effective date of retirement unless the board of trustees has received a written notice of revocation before that date.

(e) The retirement system shall report to the comptroller the name of each person who retires under this section, the effective date of the

person's retirement, and the amount of compensation paid to the person for the last month of employment. The retirement system shall submit reports under this subsection at the times and in the manner the comptroller provides.

(f) This section expires September 1, 1995.

SECTION 2. Subchapter B, Chapter 814, Government Code, is amended by adding Section 814.1071 to read as follows:

Sec. 814.1071. RETIREMENT INCENTIVE FOR CERTAIN PEACE OFFICERS. (a) A member who is at least 50 years old and is eligible to retire under Section 814.107 is entitled to retire in the manner and under the terms provided by Section 814.1051 and receive a combined service retirement annuity under Section 814.107, increased by the amount that an annuity computed under Section 814.1051 exceeds the amount of a comparable annuity computed under Section 814.105. The annuity is actuarially reducible if an optional annuity is selected under Section 814.108.

(b) The amount by which a combined service retirement annuity payable under this section exceeds a combined service retirement annuity payable under Section 814.107 is payable from the trust fund established by Section 815.310.

(c) This section expires September 1, 1995.

SECTION 3. Subsection (a), Section 814.601, Government Code, is amended to read as follows:

(a) Except as provided by Subsections (b) and (e), on the first day of each fiscal year, the retirement system shall increase the amounts of annuities that are:

(1) computed as provided by Section 814.105 or a predecessor to that section, Section 814.1051, Section 814.206 or a predecessor to that section, or if the standard annuity is derived from Section 814.105 or a predecessor, as provided by Section 814.108 or a predecessor to that section;

(2) based on service that was credited in the retirement system as employee class service; and

(3) payable to a retiree of the retirement system, to the survivor of a retiree of the retirement system, or to the survivor of a deceased member of the retirement system.

SECTION 4. (a) The comptroller shall identify to the Legislative Budget Board state agencies that have achieved salary savings because of service retirements under Section 814.1051, Government Code, as added by this Act, and the amounts of the savings.

(b) After receiving information under Subsection (a) of this section, the Legislative Budget Board shall reduce appropriations made for the fiscal years ending August 31, 1994, and August 31, 1995, to specified agencies that have achieved salary savings under Section 814.1051, Government Code, as added by this Act. The board shall make reductions in general revenue appropriations of at least \$13,411,000 not later than November 1, 1993, and additional reductions of at least \$27,340,000 not later than November 1, 1994.

(c) If the Legislative Budget Board does not make reductions in the

amounts and within the periods provided by Subsection (b) of this section, the comptroller shall make across the board reductions on all agencies' appropriations to achieve a total general revenue reduction for the fiscal biennium ending August 31, 1995, of \$40,751,000.

SECTION 5. (a) Notwithstanding Subsection (e), Section 815.403, Government Code, the comptroller may not make monthly payments from any fund or account to the state accumulation account of the trust fund for the Employees Retirement System of Texas during June, July, or August of 1995, except as provided by Subsection (b) of this section. On September 1, 1995, the comptroller shall make the payments for those months deferred by this section.

(b) Each month in which any portion of a payment deferred by this section remains unpaid, the comptroller shall transfer to the state accumulation account of the trust fund for the Employees Retirement System of Texas from the general revenue fund an amount certified by the Employees Retirement System of Texas that is equal to the greater of eight percent of or the rate of yield that would have been earned on the unpaid deferred amount if monthly contributions to the Employees Retirement System of Texas had been made as provided by Subsection (e), Section 815.403, Government Code, for that month and for each previous month of the fiscal year in which the payments have been deferred as provided by this section and had been invested.

SECTION 6. (a) Notwithstanding Subsection (c), Section 403.093, Government Code, the comptroller may not make monthly payments from the general revenue fund to the state contribution account of the trust fund for the Teacher Retirement System of Texas during June, July, or August of 1995, except as provided by Subsection (b) of this section. Not later than September 3, 1995, the comptroller shall make the payments for those months deferred by this section.

(b) Each month in which any portion of a payment deferred by this section remains unpaid, the comptroller shall transfer to the state contribution account of the trust fund for the Teacher Retirement System of Texas from the general revenue fund an amount certified by the Teacher Retirement System of Texas that is equal to the greater of eight percent of or the rate of yield that would have been earned on the unpaid deferred amount if monthly contributions to the Teacher Retirement System of Texas had been made as provided by Subsection (c), Section 403.093, Government Code, for that month and for each previous month of the fiscal year in which the payments have been deferred as provided by this section and had been invested.

SECTION 7. Section 21.02, Chapter 4, Acts of the 72nd Legislature, 1st Called Session, 1991, is repealed.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 1

Amend C.S.S.B. 81, Sec. 814.1051 as follows:

Nothing in this section shall prevent the employees affected by the provisions of this section from obtaining any benefit afforded other state employees as a result of this legislation.

Amendment No. 1 on Third Reading

Amend C.S.S.B. 81 on third reading by striking Amendment No. 1 adopted on second reading.

The amendments were read.

Senator Barrientos moved to concur in the House amendments to S.B. 81.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

SENATE BILL 266 WITH HOUSE AMENDMENTS

Senator Zaffirini called S.B. 266 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend S.B. 266 by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to immunizations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.033, Health and Safety Code, is amended to read as follows:

Sec. 12.033. ~~[FEES FOR]~~ DISTRIBUTION AND ADMINISTRATION OF CERTAIN VACCINES AND SERA. (a) Except as otherwise provided by this section, the ~~[The]~~ board by rule shall charge fees for the distribution and administration of vaccines and sera provided under:

- (1) Section 2.09, Education Code;
- (2) Section 42.043, Human Resources Code;
- (3) Chapter 826 (Rabies Control Act of 1981); ~~[and]~~
- (4) Chapter 81 (Communicable Disease Prevention and Control Act); and

(5) Section 161.005, Health and Safety Code.

(b) Except as otherwise provided by this section, the ~~[The]~~ board by rule may require a department contractor to charge fees for public health services provided by a contractor participating in a department program under the laws specified by Subsection (a).

(c) The board by rule shall establish a fee schedule for fees under this section. In establishing the fee schedule, the board shall consider a

~~person's financial ability to pay all or part of the fee, including the availability of health insurance coverage [shall set the fees in amounts reasonable and necessary to defray the cost to the state of distributing and administering the vaccines and sera].~~

(d) The commissioner may waive the fee requirement for any type of vaccine or serum if the commissioner determines that:

- (1) a public health emergency exists; and
- (2) the vaccine or serum is needed to meet the emergency.

~~(e) The department may not deny an immunization to an individual required to be immunized under a law specified by Subsection (a) because of the individual's inability to pay for the immunization. The department shall provide the immunization at a reduced charge or no charge according to the financial ability of the individual or a person with a legal obligation to support the individual to pay for the immunization. The department shall give priority to those persons least able to pay for immunization.~~

SECTION 2. Section 161.001, Health and Safety Code, is amended to read as follows:

Sec. 161.001. LIABILITY OF PERSON WHO ORDERS OR ADMINISTERS IMMUNIZATION. (a) A person who administers or authorizes the administration of a vaccine or immunizing agent is not liable for an injury caused by the vaccine or immunizing agent if the immunization is required by the board or is otherwise required by law or rule.

~~(b) A person who administers or authorizes the administration of a vaccine or immunization agent is not liable or responsible because of the failure or refusal of a parent, managing conservator, or guardian to consent to the vaccination or immunization required under this chapter.~~

(c) This section does not apply to a negligent act in administering the vaccine or immunizing agent.

SECTION 3. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Sections 161.004-161.006 to read as follows:

~~Sec. 161.004. STATEWIDE IMMUNIZATION OF CHILDREN.~~

~~(a) Every child in the state shall be immunized against vaccine preventable diseases in accordance with the immunization schedule adopted by the board.~~

~~(b) Hospitals shall be responsible for:~~

~~(1) referring newborns for immunization at the time the newborn screening test is performed;~~

~~(2) reviewing the immunization history of every child admitted to the hospital or examined in the hospital's emergency room or outpatient clinic; and~~

~~(3) administering needed vaccinations or referring the child for immunization.~~

~~(c) Physicians shall be responsible for reviewing the immunization history of every child examined and administering any needed vaccinations or referring the child for immunization.~~

~~(d) A child is exempt from an immunization required by this section if:~~

(1) immunization conflicts with the tenets of an organized religion to which a parent, managing conservator, or guardian belongs; or

(2) the immunization is medically contraindicated based on an examination of the child by a physician licensed in the United States.

(e) For purposes of this section, "child" means a person under 18 years of age.

(f) The board shall adopt rules that are necessary to administer this section.

Sec. 161.005. IMMUNIZATIONS REQUIRED. (a) On admission of a child to a facility of the Texas Department of Mental Health and Mental Retardation or the Texas Youth Commission, the facility physician shall review the immunization history of the child and administer any needed vaccinations or refer the child for immunization.

(b) The Texas Department of Health and the Texas Board of Health have the same powers and duties under this section as those entities have under Section 2.09, Education Code. In addition, the provisions of that section relating to provisional admissions and exceptions apply to this section.

(c) A facility covered by this section shall keep an individual immunization record during the individual's period of admission, detention, or commitment in the facility, and the records shall be open for inspection at all reasonable times by a representative of the local health department or the Texas Department of Health.

(d) This section does not affect the requirements of Section 2.09, Education Code, or Section 42.043, Human Resources Code.

Sec. 161.006. DEPARTMENT IMMUNIZATION SERVICE. The department, to the extent permitted by law, is authorized to pay employees who are exempt or not exempt for purposes of the Fair Labor Standards Act of 1938 (29 U.S.C. Sec. 201 et seq.) on a straight-time basis for work on a holiday or for regular compensatory time hours when the taking of regular compensatory time off would be disruptive to normal business operation.

SECTION 4. Section 15.003, Agriculture Code, is amended to read as follows:

Sec. 15.003. ELIGIBILITY; AMOUNT OF ALLOTMENT. (a) A person is eligible to participate in the special nutrition program if the person is enrolled in the W.I.C. program, [and] resides in an area in which the special nutrition program is implemented, and provides any proof required by the Texas Department of Health under Subsection (b). The Texas Department of Health shall determine the eligibility of potential participants.

(b) The Texas Department of Health by rule shall require that a person who has a dependent child and who applies to participate in the special nutrition program provide proof to the department that each dependent child living with the person:

(1) has been immunized;

(2) is currently receiving an immunization series in accordance with Section 161.004, Health and Safety Code, if the child is of sufficient age; or

(3) is exempted under Section 161.004(d), Health and Safety Code.

(c) Only the Texas Department of Health may determine the dollar amount of each participant's monthly allotment of food coupons.

SECTION 5. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.013 to read as follows:

Sec. 31.013. IMMUNIZATION REQUIREMENT. The department by rule shall require a person receiving financial assistance and services on behalf of a dependent child to provide proof to the department that each dependent child for whom the person is receiving assistance:

(1) has been immunized;

(2) is currently receiving an immunization series in accordance with Section 161.004, Health and Safety Code, if the child is of sufficient age; or

(3) is exempted under Section 161.004(d), Health and Safety Code.

SECTION 6. (a) If before implementing Section 15.003(b), Agriculture Code, as amended by this Act, the Texas Department of Health determines that a waiver or authorization from a federal agency is necessary for implementation, the department shall request the waiver or authorization and may delay implementing those provisions until the waiver or authorization is granted.

(b) If before implementing Section 31.013, Human Resources Code, as added by this Act, the Texas Department of Human Services determines that a waiver or authorization from a federal agency is necessary for implementation, the department shall request the waiver or authorization and may delay implementing those provisions until the waiver or authorization is granted.

SECTION 7. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 1993, and applies only to a person who applies for participation in the special nutrition program or who applies for assistance under Chapter 31, Human Resources Code, on or after that date.

(b) A person who is participating in the special nutrition program or who is receiving assistance under Chapter 31, Human Resources Code, on the effective date of this Act is not required to provide proof under Section 15.003(b), Agriculture Code, as amended by this Act, or Section 31.013, Human Resources Code, as added by this Act, before January 1, 1994.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Amendment No. 1

Amend C.S.S.B. 266, on page 2, line 27, by inserting the words "for the failure to immunize a child" between the words "responsible" and "because".

Amendment No. 2

Amend C.S.S.B. 266 as follows:

(1) In SECTION 2 of the bill, at the end of Section 161.001(b), Health and Safety Code, insert "Consent to the vaccination or immunization must be given in the manner authorized by Sections 35.011-35.015, Family Code.".

(2) In SECTION 3 of the bill, in Section 161.004(a), Health and Safety Code, between "diseases" and "in", insert "caused by infectious agents".

Amendment No. 3

Amend C.S.S.B. 266 in SECTION 3 of the bill by adding the following to the end of Section 161.004, Health and Safety Code:

(g) A parent, managing conservator, or guardian may choose the health care provider who administers the vaccine or immunization under this chapter.

Amendment No. 4

Amend C.S.S.B. 266 as follows:

(1) Add the following sections, appropriately numbered, to read as follows:

SECTION _____. Section 42.043(b), Human Resources Code, is amended to read as follows:

(b) The department shall require that each child at an appropriate age have a test for tuberculosis. The department shall also require that each child two years of age or older [and] be immunized against diphtheria, tetanus, poliomyelitis, mumps, rubella, and rubeola. The immunization must be effective on the date of first entry into the facility. However, a child may be provisionally admitted if the required immunizations have begun and are completed as rapidly as medically feasible.

SECTION _____. (a) Except as provided by Subsection (b) of this section, Section 42.043(b), Human Resources Code, as amended by this Act, takes effect September 1, 1993, and the changes made by this Act to that section apply to a child admitted to a child-care facility as defined by Section 42.002, Human Resources Code, on or after that date.

(b) A child-care facility as defined by Section 42.002, Human Resources Code, may not be required to comply with the changes made by this Act to Section 42.043(b), Human Resources Code, for a child admitted to the facility before September 1, 1993, earlier than January 1, 1994.

(2) Renumber the sections of the bill appropriately.

Amendment No. 5

Amend C.S.S.B. 266 by adding a new appropriately numbered section before the effective date section to read as follows:

SECTION _____. An agency is not required to carry out the duties relating to this Act except to the extent that funds for those purposes are appropriated to the agency or are otherwise available.

Amendment No. 6

Amend C.S.S.B. 266 as follows:

1. Strike Sec. 12.033(c), Health and Safety Code, in SECTION 1 and substitute the following:

~~(c) Provided the board finds that the monetary savings of this subsection are greater than any costs associated with administering it, the [The] board by rule shall establish a fee schedule for fees under this section. In establishing the fee schedule, the board shall consider a person's financial ability to pay all or part of the fee, including the availability of health insurance coverage. In the event the fee schedule conflicts with any federal law or regulation, the board shall seek a waiver from the applicable federal law or regulation to permit the fee schedule. In the event the waiver is denied, the fee schedule shall not go into effect [shall set the fee in amounts reasonable and necessary to defray the cost to the state of distributing and administering the vaccines and sera].~~

Amendment No. 7

Amend C.S.S.B. 266, on page 3, between lines 2 and 3, by inserting a new Subsection (c) to read as follows and by redesignating Subsection (c) on line 3 as Subsection (d):

(c) A person who fails to comply with Section 161.004 is not liable or responsible for that failure, and that failure does not create a cause of action.

Amendment No. 8

Amend C.S.S.B. 266, on page 3, line 9, by striking the word "shall" and substituting the word "should".

Amendment No. 9

Amend C.S.S.B. 266, on page 4, line 2, by inserting the words "by any state" between the words "licensed" and "in".

Amendment No. 10

Amend C.S.S.B. 266, on page 4, line 10, by inserting the words "the Texas Department of Criminal Justice," between the words "Retardation" and "or".

Amendment No. 11

Amend C.S.S.B. 266, on page 5, line 6, by adding the following after the period:

"Authorization for payment under this section is limited to work directly related to immunizations."

Amendment No. 12

Amend C.S.S.B. 266 as follows:

(1) Beginning on page 5, line 7, strike Sections 4, 5, 6, and 7 of the bill and substitute the following appropriately numbered section:

SECTION _____. This Act takes effect September 1, 1993.

(2) Renumber existing SECTION 8 appropriately.

The amendments were read.

Senator Zaffirini moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on S.B. 266 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Zaffirini, Chair; Moncrief, Ellis, Truan, and Rosson.

**COMMITTEE SUBSTITUTE
SENATE BILL 1243 ON SECOND READING**

Senator Montford moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1243, Relating to the receipt, management, and expenditure of funds in the state treasury and the petroleum storage tank remediation fund.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read second time.

(Senator Zaffirini in Chair)

Senator Montford offered the following amendment to the bill:

Amend C.S.S.B. 1243 by deleting Subsection (c), Section 403.092, in SECTION 1 (Committee Printing page 1, lines 46-page 2, line 9) and substituting in lieu thereof the following:

(c)(1) The comptroller may temporarily transfer cash from the general revenue fund to the petroleum storage tank remediation fund during the 1994-1995 biennium for the purpose of paying reimbursement claims against that fund and for paying the necessary expenses associated with the administration of that fund. The amount of cash to be transferred shall not exceed \$120 million. The transfer shall be made on September 1, 1993, or as soon as practicable thereafter.

(2) Notwithstanding other law, fees collected under Section 26.3574, Water Code, shall be deposited to the credit of the general revenue fund until the amount of the fee collections so deposited to the credit of the general revenue fund equals the amount of the temporary cash transfer authorized in Subdivision (1). Fees collected in excess of the amount required by this subdivision shall be deposited to the credit of the petroleum storage tank remediation fund.

(3) The amount transferred under Subdivision (1) is a receivable of the general revenue fund for the purpose of statements that the comptroller submits under Article III, Section 49a, of the Texas Constitution. The transferred amount is available for appropriation by the legislature.

(4) This subsection expires on the latter of August 31, 1995, or on the date of full repayment to the general revenue fund of the amount required under Subdivision (2).

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1243 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1243 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 771 ON SECOND READING

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 771, Relating to medical records 100 years or older.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 771 ON THIRD READING

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 771 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 386 ON SECOND READING**

On motion of Senator Shelley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 386, Relating to the liability of persons providing emergency care.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 386 ON THIRD READING**

Senator Shelley moved that Senate Rule 7.18 and the Constitutional

Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 386 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE CONCURRENT RESOLUTION 51
ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 51, Urging the State Board of Education to endorse the World Wise Schools Program and support its integration into the educational curriculum of Texas schools.

The resolution was read second time and was adopted by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 147 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 147, Relating to the admissibility of evidence of other crimes, wrongs, or acts committed against a child in certain criminal cases.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 147 by deleting the period on line 38 and adding the following language after the word "defendant":

so long as that evidence is relevant to a material issue in the case.

The amendment was read and was adopted by a viva voce vote.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 147 by deleting Section 3 on page 1, lines 39-43, and replacing it with the following:

Sec. 3. On timely request by the defendant, the state must give to the defendant reasonable notice in advance of trial of the state's intent to introduce evidence described by Section 2 of this article, other than evidence arising on or about the date of the offense for which the defendant has been charged.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Sibley and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 147 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 147 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 349 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 349, Relating to the testing of certain deaf or blind students enrolled at institutions of higher education.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 349 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 349 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE JOINT RESOLUTION 3 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.J.R. 3, Proposing a constitutional amendment clearing land titles by relinquishing and releasing any claim of sovereign ownership or title to a fractional interest in the Shelby, Frazier, and McCormick League (now located in Fort Bend and Austin counties) arising out of the voiding of a certain interest under a Mexican land grant.

The resolution was read second time and was passed to third reading by a viva voce vote.

HOUSE JOINT RESOLUTION 3 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.J.R. 3** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 343 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 343, Relating to the reporting of certain injuries to the Department of Public Health.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 343 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 343** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 807 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 807, Relating to the establishment and financing of a school-community guidance center.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 807 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 807** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1111 ON SECOND READING**

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1111, Relating to the consolidation of independent school districts.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1111 ON THIRD READING**

Senator Haley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1111** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1075 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1075, Relating to payment of fees for registration and licensing.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **C.S.S.B. 1075** as follows:

In Section 1 change the word "~~lapse~~" to "expiration" in both places where it occurs in the section; and

In Section 1, insert the following after the sentence ending in "(\$1,000.00)":

If a person renews an expired license by payment of the license and late filing fees, the person shall be deemed for all purposes to have held the required license as if it had not expired.

Renumber Section 2 to be Section 3 and add a new Section 2 to read as follows:

2. This act does not apply to any certified class action which was pending as of March 12, 1993.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1075 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1075 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Rosson.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1302 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1302, Relating to a gymnasium renovation fee at The University of Texas at Austin.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1302 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1302 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 995 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 995, Relating to the collection and disposition of the motor vehicle sales tax on a motor vehicle sold using seller financing.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 995 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 995 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 811 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 811, Relating to the offense of a parent's failure to require a child to attend school.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 811 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 811** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

(Senator Henderson in Chair)

SENATE BILL 664 ON SECOND READING

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 664, Relating to certain fishing apparatus anchored in the Trinity River near the Livingston Dam.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Armbrister asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

SENATE BILL 664 ON THIRD READING

Senator Haley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 664** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Armbrister.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Armbrister asked to be recorded as "Present-not voting" on the final passage of the bill.

SENATE BILL 705 ON SECOND READING

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 705, Relating to curriculum mastery plans for public school students.

The bill was read second time.

Senator Haley offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SECTION 1, Sec. 21.1011(b) of **S.B. 705** by deleting "advanced or remedial" and substituting "accelerated"

The committee amendment was read and was adopted by a viva voce vote.

Senator Haley offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 705** as follows:

(1) On page 1, lines 6 and 7, strike the words "Each school district" and substitute the words "Not sooner than May 31, 1995, the State Board of Education".

(2) On page 1, line 17, strike the word "developed" and substitute the word "implemented".

(3) On page 1, line 19, strike the words "and implemented".

(4) On page 3, lines 16 and 17, strike SECTION 3.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Haley and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 705 ON THIRD READING

Senator Haley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 705** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 726 ON THIRD READING**

Senator Luna moved that the regular order of business be suspended and that C.S.S.B. 726 be placed on its third reading and final passage.

C.S.S.B. 726, Relating to the use by state agencies of biosolids derived from sludge.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Armbrister, Barrientos, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Lucio, Luna, Madla, Moncrief, Montford, Parker, Patterson, Ratliff, Rosson, Shelley, Sims, Truan, Turner, Wentworth, West, Zaffirini.

Nays: Bivins, Henderson, Leedom, Nelson, Shapiro, Sibley.

Absent: Brown.

Absent-excused: Whitmire.

The bill was read third time.

Senator Sibley offered the following amendment to the bill:

Amend C.S.S.B. 726 as follows:

Page 1, line 31, strike the word "shall" and substitute the word "may"

The amendment was read.

Senator Luna moved to table the amendment.

On motion of Senator Luna and by unanimous consent, the motion to table was withdrawn.

Question recurring on the adoption of the amendment, the amendment failed of adoption by the following vote: Yeas 12, Nays 18.

Yeas: Bivins, Brown, Harris of Tarrant, Henderson, Leedom, Nelson, Ratliff, Shapiro, Shelley, Sibley, Wentworth, Zaffirini.

Nays: Armbrister, Barrientos, Carriker, Ellis, Haley, Harris of Dallas, Lucio, Luna, Madla, Moncrief, Montford, Parker, Patterson, Rosson, Sims, Truan, Turner, West.

Absent-excused: Whitmire.

The bill was finally passed by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Henderson, Shapiro, Sibley, and Zaffirini asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 672 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 672, Relating to the Texas Council on Alzheimer's Disease and Related Disorders.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 672 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 672** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 721 ON SECOND READING

On motion of Senator Luna and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 721, Relating to authorizing a juvenile court to require certain children to engage in community service.

The bill was read second time.

Senator Luna offered the following amendment to the bill:

Amend **S.B. 721** as follows:

(1) In SECTION 1, in Article 54.041 (b), beginning on page 2, line 3, after the word "order", add the language "unless, in the judges discretion, the child is unable to render personal services due to disability".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Luna and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 721 ON THIRD READING

Senator Luna moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 721** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 952 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 952, Relating to the authority of certain cities to adopt and release extraterritorial jurisdiction.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 952 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 952** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1018 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1018, Relating to the authority of the boards of directors of certain water control and improvement districts to remove the district from the extraterritorial jurisdiction of a home-rule municipality and place the district in the extraterritorial jurisdiction of another home-rule municipality.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1018 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1018** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 513 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 513, Relating to regional organizations to promote the coexistence of air quality improvement and economic development in nonattainment areas of the state.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Amend S.B. 513 as follows:

(1) In SECTION 1, Subdivision (4) of added Section 384.001, Health and Safety Code, after "credit organization" and before the period, insert "in this state".

(2) In SECTION 1, Section 384.001, Health and Safety Code, strike Subdivision (5) and substitute the following:

(5) "Regional council of governments" means a council of governments designated as the metropolitan planning organization or a metropolitan planning organization in the event the council of governments is not so designated.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 513 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 513 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE

SENATE BILL 1073 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1073, Relating to the time of operation of water skis, aquaplanes and similar devices.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 1073 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1073 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 607 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 607, Relating to the use of deer and turkey tags issued by the Parks and Wildlife Department.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 607 ON THIRD READING

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 607** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 962 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 962, Relating to the sale, lease, and development of state-owned oil, gas, and other minerals.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 962 ON THIRD READING**

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 962** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 964 ON SECOND READING**

Senator Sims moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 964, Relating to the location, survey, sale, and lease of vacant and unsurveyed public school land and certain public boundaries and related fees.

The motion prevailed by the following vote: Yeas 27, Nays 1, Present-not voting 2.

Yeas: Armbrister, Barrientos, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Zaffirini.

Nays: Parker.

Present-not voting: Bivins, Moncrief.

Absent-excused: Whitmire.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Parker asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

RECORD OF VOTES

Senators Bivins and Moncrief asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE

SENATE BILL 964 ON THIRD READING

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 964 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1, Present-not voting 2.

Yeas: Armbrister, Barrientos, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Zaffirini.

Nays: Parker.

Present-not voting: Bivins, Moncrief.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Parker asked to be recorded as voting "Nay" on the final passage of the bill.

RECORD OF VOTES

Senators Bivins and Moncrief asked to be recorded as "Present-not voting" on the final passage of the bill.

COMMITTEE SUBSTITUTE

SENATE BILL 226 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 226, Relating to the competitive bidding requirements of governmental entities and certain duties of the Office of Small Business Assistance.

The bill was read second time.

Senator West offered the following amendment to the bill:

Amend **C.S.S.B. 226** as follows:

(1) In SECTION 1, Sec. 252.021(a), delete the language "\$25,000" and substitute the language "\$15,000".

(2) In SECTION 2, Sec. 272.024, delete the language "\$25,000" and substitute the language "\$15,000".

(3) In SECTION 3, Sec. 252.0215, delete the language "\$25,000" and substitute the language "\$15,000".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 226 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 226** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

(Senator Moncrief in Chair)

SENATE BILL 701 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 701, Relating to interlocal cooperation contracts for health care and hospital services.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 701 ON THIRD READING

Senator Leedom moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 701** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 702 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 702, Relating to the application of the Texas Health Maintenance Organization Act to hospital districts.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 702 ON THIRD READING

Senator Leedom moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 702** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Barrientos.

Senator Barrientos moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

Members, Texas Commission on Alcohol and Drug Abuse: DR. SYLVIA RODRIGUEZ ANDREW, Bexar County; MICHAEL S. HULL, Travis County; LYNN HATCHER LIPSHY, Dallas County.

Members, Texas Commission on Human Rights: L. MAXINE LEE, Travis County; RICHARD A. SOLO, Dallas County.

Members, Texas Board of Human Services: CASSANDRA COLVIN CARR, Travis County; PAULA S. GOMEZ, Cameron County.

Judge of the 231st Judicial District, Tarrant County: C. R. CATTERTON, Tarrant County.

Members, Texas State Board of Medical Examiners: DR. CATALINA

E. GARCIA, Dallas County; CYNTHIA "CINDY" JENKINS, Chambers County; DR. REGINA KYLES, Harris County; DR. JOHN M. LEWIS, Harris County; DR. RATNA SOLOMON, Dallas County.

Members, Texas Board of Mental Health and Mental Retardation: JANELLE SMITH JORDAN, Harris County; THE REVEREND WILLIAM A. LAWSON, Harris County; ROSEMARY VIVERO NEILL, El Paso County; EDWARD BRUNSON WEYMAN, Midland County.

Members, Board of Protective and Regulatory Services: JEAN P. BEAUMONT, Brazos County; FRANK DAVILA II, Bexar County; GABRIELLE K. McDONALD, Travis County; MACONDA BROWN O'CONNOR, Harris County; JUDGE WILLIAM H. "BILL" SHEEHAN, Moore County; SUSAN HERRING STAHL, Dallas County.

Public Counsel of the Office of Public Utility Counsel: LUIS A. WILMOT, Travis County.

Members, Texas Board on Aging: DR. REGINALD F. GARRETT, Smith County; DR. ELENA BASTIDA GONZALEZ, Hidalgo County.

Members, State Commission for the Blind: LARRY P. JOHNSON, Bexar County; DR. HILDA MEDRANO, Hidalgo County; JOHN M. TURNER, Dallas County.

Members, Governing Board of the Texas School for the Blind and Visually Impaired: MARY G. BEHNKE, Orange County; KERRY LEE GOODWIN, Dallas County; GLORIA SMITH, Angelina County; RUSSELL LOREN SMITH, McLennan County.

Member, Board for Lease - Texas Department of Criminal Justice: ELLEN J. HALBERT, Travis County.

Chief Justice of the Court of Appeals, Fifth Supreme Judicial District: CHARLES W. MCGARRY, Dallas County.

Members, Children's Trust Fund of Texas Council: PAULINE M. MOUTON, Jefferson County; MICHAEL ATLEE REILLY, Tarrant County; CONNIE AGUILAR SONNEN, Bexar County.

Members, Governing Board of the Texas School for the Deaf: MARY LYNCH VANMANEN, Fort Bend County; POLLY PIERCY WALTON, Jefferson County.

Members, Texas Diabetes Council: DR. MAMIE L. ABERNATHY-McKNIGHT, Dallas County; SYDNEY DALE COLVILL, Harris County; DR. JAIME A. DAVIDSON, Dallas County; STEVE DAVIDSON, Midland County; DR. LEONARDO DE LA GARZA, El Paso County; DR. CHARMAZEL DUDT, Randall County; ELIZABETH DIANE LIMON, Bexar County; JACQUELINE S. MARTIN, Harris County; KATHY R. MATNEY, Collin County; JULIE S. MEYER, Bexar County; DR. AMELIE G. RAMIREZ, Bexar County.

Member, District One Review Committee, State Board of Medical Examiners: DR. ROBERT J. BACON, SR., Harris County.

Members, District Three Review Committee, State Board of Medical Examiners: DR. THOMAS L. MARVELLI, Tarrant County; DR. NALIN H. TOLIA, Ector County.

Member, District Four Review Committee, State Board of Medical Examiners: DR. GLADYS CRONFEL KEENE, Webb County.

Member, Texas Board of Health: DR. HERBERT SHORE, Dallas County.

Members, Governor's Advisory Committee on Immigration and Refugees: KASSAHUN BISLAT, Harris County; NOE B. CALVILLO, Hidalgo County; LAURA CARRILLO-ALVARADO, El Paso County; ANDREW R. DURON, Nueces County; DUOC P. LE, Jefferson County; AMALIA DEL ROSARIO MEZO, Dallas County; JOSE G. MORENO, El Paso County; PAUL PARSONS, Travis County; SUZANNE SENESAC-SHERIF, Potter County; PHILOAN MARIE TRAN, Harris County.

Members, Interagency Council on Autism and Pervasive Developmental Disorders: VICKI DELOIS MITCHELL FLEMING, Harris County; ANNE GROVES RUSSELL, Dallas County.

Member, Interagency Council on Early Childhood Intervention: DR. TAMMY H. TINER, Brazos County.

Members, Texas Board of Licensure for Nursing Home Administrators: OLGA CORTEZ, Hidalgo County; THOMAS WILLIAM GARD, Jefferson County; MERRIL M. GREY, Collin County; JOHNNIE RICHARDSON, Harris County.

Presiding Judge of the Eighth Administrative Judicial Region: JUDGE CLYDE R. ASHWORTH, Tarrant County.

Members, Texas Rehabilitation Commission: DR. DORA L. GONZALEZ, Bexar County; DR. DIANE M. NOVY, Fort Bend County.

Member, Texas Veterans Commission: RALPH LEE KING, Wichita County.

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Intergovernmental Relations might consider S.B. 433 today.

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator West and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Criminal Justice might consider the following bill and resolution today:

S.B. 174
S.C.R. 5

CONGRATULATORY RESOLUTIONS

S.R. 556 - By Truan: Commending Detective Johnny Santana of the Beeville Police Department for his contributions to the Complete Spanish Field Reference Manual for Public Safety Officers.

S.R. 557 - By Truan: Recognizing Arnold Leal for his selection as the 1993 Corpus Christi Independent School District Teacher of the Year.

S.R. 559 - By Patterson: Honoring the volunteers who work with Family Outreach Clear Lake/Bay Area, Incorporated.

S.R. 560 - By Madla: Recognizing Dr. Douglas S. Harlan of San Antonio for his contributions to the citizens of his community.

S.R. 561 - By Truan: Commending radio personality Victor Lara Ortegon of Corpus Christi for his contributions to the citizens of his community.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 12:47 p.m. adjourned until 9:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

April 6, 1993

STATE AFFAIRS — S.B. 528 (Amended)

FINANCE — H.B. 640, S.B. 1266, S.B. 1272, C.S.S.B. 315, C.S.S.B. 1273

HEALTH AND HUMAN SERVICES — S.B. 465, S.B. 562, S.B. 563, S.B. 833

JURISPRUDENCE — S.B. 732 (Amended), S.B. 909 (Amended), S.B. 831, S.B. 792, S.B. 489, S.B. 268, S.J.R. 33, S.B. 1276, H.B. 1218, H.B. 323, H.B. 1300, C.S.S.B. 1144, C.S.S.B. 1022, C.S.S.B. 479

INTERGOVERNMENTAL RELATIONS — H.B. 901, C.S.S.B. 433, H.B. 716, C.S.S.B. 24, S.B. 410, C.S.S.B. 695, C.S.S.B. 1169, C.S.S.B. 710

HEALTH AND HUMAN SERVICES — C.S.S.B. 472, C.S.S.B. 561

CRIMINAL JUSTICE — S.C.R. 5, S.B. 15, S.B. 338 (Amended), C.S.S.B. 122, C.S.S.B. 164, C.S.S.B. 174, C.S.S.B. 482, C.S.S.B. 818, C.S.S.B. 925

ECONOMIC DEVELOPMENT — H.B. 813 (Amended), S.B. 1333, H.B. 864, C.S.S.B. 325, C.S.S.B. 227, C.S.S.B. 933

SENT TO GOVERNOR

(April 6, 1993)

S.B. 22	S.B. 267
S.B. 33	S.B. 380
S.B. 90	S.B. 468
S.B. 135	

FORTY-FIFTH DAY

(Wednesday, April 7, 1993)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by Senator Harris of Dallas.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Luna, Madla.

A quorum was announced present.

The Reverend Harrison McLeod, Seminarian, Theological Seminary of the Southwest, Austin, offered the invocation as follows:

O God, the fountain of wisdom whose will is good and gracious and whose law is truth: we beseech You so to guide and bless our Senators that they may enact such laws as please You to the glory of Your name and the welfare of this people. Through Your name we pray. Amen.

On motion of Senator Armbrister and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Wentworth, Senator Madla was granted leave of absence for today on account of important business.

On motion of Senator Wentworth, Senator Luna was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 179

On motion of Senator Parker and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 179.

CO-AUTHOR OF SENATE BILL 738

On motion of Senator Rosson and by unanimous consent, Senator Patterson will be shown as Co-author of S.B. 738.